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2014 FEB -6 PM 4:33

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

BY: 

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEUTSCHE BANK  
NATIONAL TRUST  
COMPANY, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS  
OF THE J.P. MORGAN  
MORTGAGE ACQUISITION  
TRUST 2007-CH5 ASSET  
BACKED PASS-THROUGH  
CERTIFICATES, SERIES 2007-  
CH5,

Plaintiff,

vs.

TIANNE M. HENDERSON;  
AND DOES 1 THROUGH 6,  
INCLUSIVE,

Defendants.

Case No. EDCV 14-0187-UA (DUTYx)

ORDER SUMMARILY REMANDING  
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because it has been removed improperly.

On January 30, 2014, defendant Tianne M. Henderson, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from

1 remaining in jurisdictional limbo, the Court issues this Order to remand the action to  
2 state court.

3 Simply stated, plaintiff could not have brought this action in federal court in  
4 the first place, in that defendant does not competently allege facts supplying either  
5 diversity or federal-question jurisdiction, and therefore removal is improper. 28  
6 U.S.C. §1441(a); see Exxon Mobil Corp v. Allapattah Svcs., Inc., 545 U.S. 546, 563,  
7 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship  
8 exists, the amount in controversy does not exceed the diversity-jurisdiction threshold  
9 of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer  
10 complaint recites that the amount in controversy does not exceed \$10,000.

11 Nor does plaintiff's unlawful detainer action raise any federal legal question.  
12 See 28 U.S.C. §§ 1331, 1441(b).

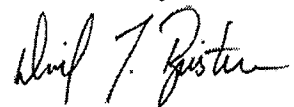
13 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the  
14 Superior Court of California, Riverside County, 13800 Heacock Street, Moreno  
15 Valley, CA 92553, for lack of subject matter jurisdiction pursuant to 28 U.S.C.  
16 § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court; and  
17 (3) that the Clerk serve copies of this Order on the parties.

18 IT IS SO ORDERED.

19  
20  
21 DATED: 2/4/14

  
22 GEORGE H. KING  
23 CHIEF UNITED STATES DISTRICT JUDGE

24 Presented by:

25   
26 \_\_\_\_\_  
27 David T. Bristow  
28 United States Magistrate Judge